

### **REMARKS**

Reconsideration of the above-identified application in view of the amendments above and the remarks following is respectfully requested.

*Regarding the Status of the Claims:*

Claims 1 – 23, 25, 30, 36-38, and 41-54 are now pending in the application. Claims 1, 2, 6, 7, 9, 10, 13 and 17-19, are amended hereby. Claims 41-454 have been added. Claims 39 and 40 are hereby canceled. Claims 24, 26-29, and 31-35 were previously canceled. All previously pending claims have been rejected.

*Regarding the Rejections Under 35 U.S.C. 112, Second Paragraph:*

Claims 11 and 15 have been rejected as indefinite. This rejection is not understood. For one thing, paragraph 2 of the Office Action refers to claim 11, and paragraph 3 of the Office Action refers to claim 15. Further, the flow generator mentioned in paragraph 3 (relating to claim 15) appears only in line 1 of claim 11. Claim 15 is directed to a feature of the mixing chamber. In any event, the flow generator and the mixing chamber are recited in claim 1, on which both claims 11 and 15 are dependent. If these rejections are adhered to, clarification is respectfully requested.

*References Applied in the Rejections:*

The following references have been cited by the Examiner in the prior art rejections of the currently pending claims:

Skorka et al. U.S. 4,826,048 (Skorka)	Viellard FR Patent (Translation)
Hardman et al. U.S. 3,302,832 (Hardman)	Chabria U.S. 4262848 (Chabria)
Langeman U.S. 5,388,761 (Langeman)	Gusmer U.S. 4,654,368 (Gusmer)
Brown U.S. 5,526,957 (Brown 957)	Freeman 6,558,059 (Freeman)
Brown U.S. 5,265,761 (Brown 761)	Hillinger et al. U.S. 6558059 (Hillinger)
Sperry U.S. 4,568,003 (Sperry)	De Graaf U.S. 6,383,572 (De Graaf)
Wacker U.S. 5,38,79 (Wacher)	Viellard FR. 2416718 Translation (Viellard)
Sirek U.S. 4,974,752 (Sirek)	Venooker, U.S. 5,755,269 (Venooker)

*Regarding the Rejection Under 35 U.S.C. 102(b):*

Claims 1-4, 6, 7, 9, 11, 16, and 20 have been rejected as anticipated by Skorka. This rejection is respectfully traversed. Claim 1, as amended, on which the other claims included in this rejection depend, recites the following:

A self-contained foam-dispensing device, comprising:

a casing that is configured to be hand held;

a mixing chamber;

wherein the casing includes a port, the port being configured to receive one or more containers for a plurality of chemicals; and

a flow generator adapted to induce flow of chemicals from the containers toward the mixing chamber, the flow generator being located between the mixing chamber and the port;

wherein said self contained dispensing device does not include external tubing

Skorka does not meet the terms of claim 1. For one thing, Skorka does not have a casing configured to be hand held. The idea of a hand-held foam dispenser is not disclosed, taught or suggested in Skorka. Moreover, Skorka's element corresponding to the claimed flow generator (i.e., discharge pumps 3), is manually powered and operated by pushing down on handle 10. Thus, to hand carry Skorka's device would not be practical since it would require two hands, one to hold the device, and the other to push handle 10. Apart from the inconvenience of not having a free hand while using the device, holding the device this way would make it difficult to accurately aim the dispensed chemicals.

For at least these reasons, Skorka fails to anticipate claim 1 and dependent claims 2-4, 6, 7, 9, 11, 16, and 20. Further, the dependent claims recite features which, considered in combination with the features of claim 1, and not disclosed, taught or suggested in Skorka.

For example, claim 2 as amended further recites that the flow generator comprises a pump mechanism for each of the chemicals and a single motor for the

pump mechanisms. In contrast, Skorka teaches manual operation of the discharge pumps 3 by pushing on handle 10.

Further, Skorka does not have a base that receives spare containers and/or the dispensing component. As clearly shown in Fig. 1, Skorka's element 29, roughly corresponding to the claimed casing, receives only the chemical dispensing containers 2.

Claim 7 recites that the recesses in the base and/or in the port are adapted to receive containers of a plurality of different sizes, operatively connected to the port.

New claim 41, which is dependent on claim 1, recites that the suction unit and the mixing chamber are comprised in a single unit. New claim 42, which is also dependent on claim 1, recites that the suction unit is in the discharge nozzle. Skorka does not disclose, teach, or suggest either of these features.

Claims 36 and its dependent claim 38 have been rejected as anticipated by Hardman. This rejection is respectfully traversed. Claim 36 recites that "the flow generator [is] . . . included in a single replaceable part with the mixing chamber". In contrast, Hardman, at Col. 5, lines 2-6, teaches that a mixing means, which includes the mixing chamber 92 and *agitator* 96 is replaceable. The part identified by Hardman as the flow generator is stripping means 14. There is no disclosure, teaching, or suggestion that this is a single replaceable part with the mixing chamber as called for in claim 36. Claims 36 and 38 are accordingly not anticipated by Hardman.

Claims 1 and its dependent claims 2, 4, 8-13, 19, and 20 have been rejected as being unpatentable over Langeman in view of De Graaf. Applicant respectfully traverses this rejection. Langeman is directed to a device that allows precise control of the amounts of chemicals to be dispensed, and can easily be calibrated.

As noted above, claim 1 describes a device having a hand-held casing, and that casing includes one or more compartments for chemical containers. Claim 1 also recites that the device does not include external tubing.

Langeman shows a mixing and delivery device 26, which is described as a spray gun (Col. 5, lines 58-60). However, there is no suggestion that the spray gun includes a casing configured to be hand held.

Nor does Langeman appear to have a port in a casing that receives the chemical containers hand held or not. It also clearly includes external tubing (see Figs. 1, 2, 5, and 6).

With respect to the recitation in claim 1 that the dispensing device does not include tubes external to the casing", Langeman does not show this, as discussed above. However, it does not appear that De Graaf does either. In Figs. 1 and 5-7, De Graaf shows a hand held spry gun connected to the rest of the cart-mounted device by one or two external hoses. There does not appear to be any disclosure, teaching, or suggestion of no external tubes. Claim 1 and its dependent claims 2, 4, 8-13, 19, and 20 are not obvious and are allowable over the combination of Langeman and De Graaf for all these reasons.

The dependent claims are also allowable over Langeman and De Graaf because they recite features, which, considered in combination with their respective parent claims are not disclosed, taught or suggested by the combination of Langeman and De Graaf.

By way of example, claim 2 as amended further recites a single motor for the separate pump mechanisms. In contrast, both Langeman and De Graaf teach use of a separate power unit for each chemical (28A and 28B in Langeman and 11A and 11B in De Graaf).

Claim 8 recites that "the dispensing device with the one or more full containers, weighs less than 5 kilograms". It is not understood how this can be said to be obvious from the combination of Langeman and De Graaf. Both Langeman, in Figs. 5 and 6, and De Graaf, in Figs. 3, 4, and 7 show *cart-mounted* devices.

Claim 9 as amended recites that a single flow generator provides suction in separate flow paths for each of the chemicals. Both Langeman and De Graaf show separate flow generators (24A, 24B in Langeman, and 9, 13, in De Graaf).

Claim 5 has been rejected as obvious over Langeman and De Graaf, further in view of Brown 957. This rejection is respectfully traversed. Essentially, the Examiner's position is that because Brown 957 shows a single container, it would be obvious to employ such a construction in the Langeman-De Graaf combination to save space and material. This is not believed to be correct. For one thing, it is entirely speculative as to whether space and material savings would be achieved with a single

container, especially since it is clear that the cart-mounted devices of Langeman and De Graaf are intended to accommodate large tanks. Nor is it clear that such a modification would be workable for large tanks.

In any event, claim 5 is dependent on claim 1 and is not obvious over the Langeman-De Graaf combination for all the reasons stated above in connection with claim 1. Brown 957 does not remedy the deficiencies in the Langeman-De Graaf combination.

Claim 14 has been rejected as obvious over Langeman and De Graaf, further in view of Brown 761. This rejection is respectfully traversed. Claim 14 is dependent on claim 1 and is not obvious over the Langeman-De Graaf combination for all the reasons stated above in connection with claim 1. Like Brown 957, Brown 761 does not remedy the deficiencies in the Langeman-De Graaf combination.

Claims 15 and 17 have been rejected as obvious over Langeman and De Graaf, further in view of Sperry. This rejection is respectfully traversed.

Since claims 15 and 17 are dependent on claim 1, the discussion above regarding the patentability of claim 1 as not being obvious over the Langeman-De Graaf combination are applicable to claims 15 and 17 as well. Sperry does not remedy the deficiencies in the Langeman-De Graaf combination.

Claims 18, 19, 21, and 23 have been rejected as obvious over Langeman and De Graaf, further in view of Wacker. This rejection is respectfully traversed. Claim 18 recites that "the walls of [a dispensing] nozzle are flexible", and claim 21 recites that "the mixing chamber is defined by flexible walls". Wacker does not show this. Instead, Wacker uses a flexible-walled shutoff valve 98 located *between* the mixing chamber 89 and the nozzle 96, as shown, for example, in Figs. 7 and 8.

Moreover, these claims are directly or indirectly dependent on claim 1. As in all the other references discussed above, Wacker's flow generator (pumps 20, 21) is located *upstream* of the mixing chamber 89, and therefore does not remedy the deficiencies in the Langeman-De Graaf combination.

Claims 18, 19, 21, and 23 have been rejected as obvious over Langeman and De Graaf, further in view of Viellard. This rejection is respectfully traversed. Claim 21 recites that "the mixing chamber is defined by flexible walls". This does not

appear to be the case in Viellard, in which only part of the nozzle is described as flexible in the translation.

In any case, these claims are directly or indirectly dependent on claim 1 and should be allowed for all the same reasons.

Claim 18 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Langeman in view of De Graaf and Chabria. This rejection is respectfully traversed. Claim 18 is dependent on claim 1, and Chabria does not remedy the deficiencies in the Langeman-De Graaf combination. In fact, Chabria does not even appear to employ a mixing chamber. Instead, it dispenses two separate streams of the foaming chemicals.

Claim 25 has been rejected under 35 U.S.C. 103 (a) as being unpatentable over Langeman in view of De Graaf and Gusmer. This rejection is respectfully traversed. Claim 25 is dependent on claim 1 and is the rejection is subject to all the deficiencies discussed above in regard to the Langeman-De Graaf combination. Gusmer does not remedy the deficiencies in the Langeman-De Graaf combination.

Claim 30 has been rejected as being unpatentable over Freeman in view of Hillinger. This rejection is respectfully traversed. Freeman discloses a container for holding several tubes of caulk and an electric heater to heat tubes to keep the caulk warm so they can be properly dispensed. The device is also intended to permit caulk to be kept warm overnight (see Col. 2, lines 26-30). Electricity for the heater is supplied by a plug and wire connectable to a power outlet.

Hillinger discloses a battery powered glue gun including a heater to melt glue sticks for application. The battery provides power for the heater, as well as for the gun.

It is respectfully submitted that it would not be obvious to make Freeman's device battery powered to improve efficiency by allowing simultaneous charging of the battery and heating of the caulk tubes to as asserted by the Examiner. For one thing, the Examiner has not shown how the proposed substitution would improve efficiency. Charging the battery still requires connection to an external power outlet.

Further, Hillinger's glue gun only needs to provide heat at the tip to melt a glue stick, while Freeman needs much more power to heat the entirety of multiple tubes and keep them warm overnight.

At best, a battery is not as efficient as the mains as a power source when large amounts of power are required, as in Freeman. Generally battery power is only more desirable to assure power when availability of connection to the mains is problematic.

Moreover, caulk guns are not typically electrically operated so there would be no real need for a battery.

Claim 37, which is dependent on claim 36, has been rejected as being obvious over Hardman in view of Sirek. This rejection is respectfully traversed. As demonstrated above, Hardman does not meet the terms of claim 36. Claim 37 is therefore allowable for the same reasons.

New claims 43-54, all of which are directly or indirectly dependent on claim 1, recite additional features of some embodiments. Claim 43 recites that "the flow generator is part of a discharge unit including the nozzle".

Claim 44 recites that "the one or more containers and the port are configured so the one or more containers are inserted into the port by pushing on the containers, and are removed from the base by pulling on the containers, without use of any tool".

Claim 45 calls for:

a flow control valve assembly configured to be coupled to each container and to a respective flow element into which the content of the container flows toward the mixing chamber,

wherein the flow control valve prevents flow from the container when a flow element is not coupled to the valve assembly, and prevents dripping outside the flow element, when the flow element is coupled to the valve assembly.

Claims 46-50 recite details and variations of the structure recited in claim 45.

Claim 51 is directed to "a table-mounted support arrangement for the casing configured to permit use of the device in a stationary mode".

Claims 52-54 recite features of the port that receives the containers.

These new claims, all recite features that, when considered in combination with their respective parent claims, are not disclosed, taught or suggested in any of the prior art, whether considered singly, or in combination.

In view of the foregoing, it is respectfully submitted that all of the rejections have been overcome, and that the application is in condition for allowance. Early notice thereof is respectfully solicited.

Respectfully submitted,

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